

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED

JUL 18 2013

**David J. Bradley, Clerk of Court**

**Cheri LaBlanche**  
**Plaintiff,**

**Vs.**

**National Board of Medical Examiners - (NBME)**  
**Federation of State Medical Boards - (FSMB)**  
**Educational Commission for Foreign Medical**  
**Graduates - (ECFMG)**

*Jointly and Severally, - Defendants,*

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Civil Action No.4:13-CV-00204

Amended

**PLAINTIFF'S NON-CONSENT OF TRANSFER / JURISDICTION TO A MAGISTRATE JUDGE  
&**

**PLAINTIFF’S OPPOSITION TO DEFENDANT’S DISINGENUINE FRIVOLOUS REQUEST  
FOR RULES 12(B)(5) AND 12(E) - DISMISSALS; ENGENDERED FOR THE PURPOSE OF DELAY**

## I. NON-CONSENT TO MAGISTRATE JUDGE

**Plaintiff respectfully opposes and non-consents to any and all transfer, jurisdiction, and administration of this case and cause; to any magistrate judge regarding all issues.**

## II. OPPOSITION TO DEFENDANT’S DISINGENUINE FRIVOLOUS REQUEST FOR DISMISSALS ENGENDERED FOR DELAY

[A] **Rule 12(E) Dismissal Request** - is disingenuous and frivolous as proven by defendants' counsels; precise, documented, demonstrated, clarity and understanding of this suit issues and claims, shown via defendants' dismissal motion *I. BACKGROUND* statement:

*"Plaintiff's complaint seeks injunctive relief ordering Defendant's NBME and FSMB, the sponsors of the United States Medical Licensing Examination ("USMLE"), to administer a "paper base" version of the examination. Plaintiff claims that her previous failures on the examination were caused by "repetitious denials" for a paper-based form of the test to eliminate her undefined and unsubstantiated disability of "acute headaches" that consistently develop approximately after 30 minutes of visual contact and interaction with any computer monitor / screen."*

**[B] Rule 12(B)(5) Dismissal Request** - is disingenuous and frivolous due to defendants being served by certified mail via USPS carrier; and NOT personally by plaintiff as defendants' counsel falsely contends.

### III. PRAYER & RELIEF

Plaintiff prays the Court will DENY with PREJUDICE Defendants' frivolous motion for dismissal; shown herein to be engendered for disingenuous purposes that also include delay.

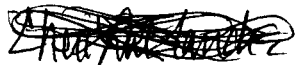


IV. CERTIFICATE OF SERVICE  
& INTERESTED PARTIES

I certify that a true and correct copy of this motion was serviced to Defendants' counsel of record:

Fulbright & Jaworski LLP - Counsel for Defendants:  
**National Board of Medical Examiners - (NBME)**  
**Federation of State Medical Boards - (FSMB)**  
**Educational Commission for Foreign Medical Graduates - (ECFMG)**  
Via – Atty. Alanis King Benford and Atty. Peter C. Tipps  
Fulbright Tower  
1301 McKinney, Suite 5100  
Houston, TX 77010-3095  
Tele: (713) 651-5151  
Fax: (713) 651-5246

Respectfully Submitted,



Cheri LaBlanche  
Plaintiff  
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Houston, TX. 77047  
(713) 733-9777